

ORIGINAL

Approved by:

JULIA MCCORMICK  
Special Assistant United States Attorney

Before: THE HONORABLE MARTIN R. GOLDBERG  
United States Magistrate Judge  
Southern District of New York

20 MAG 2301

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UNITED STATES OF AMERICA : MISDEMEANOR  
 : COMPLAINT  
 :  
-v- : Violation of  
 : 18 USC 1382  
 : NYPL 221.05  
GARY K. BUCHANAN :  
 :  
 : COUNTY OF OFFENSE:  
Defendant : ORANGE  
 :  
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SOUTHERN DISTRICT OF NEW YORK, ss.:

RYAN BLUHM, being duly sworn, deposes and says that he is a Court Liaison, assigned to the Provost Marshal Office, at the United States Military Academy, West Point, New York, and charges as follows:

COUNT ONE

On or about January 24, 2020, at the United States Military Academy, West Point, New York, within the special maritime and territorial jurisdiction of the United States, in the Southern District of New York, GARY K. BUCHANAN, the defendant, unlawfully, knowingly and willfully entered or was found within any such reservation, post, fort, arsenal, yard, station, or installation, for any purpose prohibited by law or lawful regulation, to-wit, the defendant entered post by driving through the access control point without stopping or gaining permission from the gate guard.

(Title 18, United States Code, Section 1382)

COUNT TWO

On or about January 24, 2020 at the United States Military Academy, West Point, New York, within the special maritime and territorial jurisdiction of the United States, in the Southern

District of New York, GARY K. BUCHANAN, the defendant, unlawfully, knowingly and willfully possessed a controlled substance to wit, during a search of his person, an officer found marijuana on the defendant's person.

(New York Penal Law 221.05)

The basis for the deponent's knowledge and for the foregoing charges are, in part, as follows:

1. I am a Court Liaison, assigned to the Provost Marshal Office at the United States Military Academy, West Point, New York, which is located in the Southern District of New York.
2. On or about January 24, 2020, at approximately 4:24 p.m., DASG Schymanski and Latchman observed a Black Nissan Altima approaching the Stony Gate check point at a high rate of speed. The vehicle did not slow down or stop and went right through the check point. The guards attempted to deploy the barrier, but the vehicle made it over the barrier before it raised completely. The gate guards observed that the vehicle was being pursued by Highland Falls Police Department. The guards contacted the military police desk to inform them of the gate runner.
3. At 4:25 p.m., the Desk Sergeant informed all patrols of the vehicle running the gate. At the same time, the desk was also receiving a call from Ms. Harvie who resided on Sherburne Place, West Point, New York. Ms. Harvie indicated that someone had parked a black Nissan Ultima in their driveway. Ms. Harvie indicated that her daughter had observed an African American male in a blue sweatshirt with a little bit of yellow running around the corner from the house on Sherburne Place onto Meigs Road towards Stoney Lonesome. Ms. Harvie stated the individual saw her daughter and said "sorry" and started walking towards Stoney Lonesome.
4. SPC Lynch and SGT Monge responded to the area of Sherburne and observed a vehicle parked in the driveway matching the description of the vehicle that ran the gate. SPC Stollings arrived to assist. They met with Ms. Harvie and she indicated the direction of travel that her daughter had seen the individual going. SPC Stollings left to go and look for the individual.
5. At approximately 4:40 p.m., SPC Stollings located an individual who matched the description that Ms. Harvie's daughter had provided at C lot adjacent to Stony Lonesome Road. SPC Lynch arrived on scene to serve as back-up. They approached the individual and conducted a "Terry" stop. The individual identified using his parole



a quick search and located a small bag of a green leafy substance and a set of keys. SPC Stollings took the keys back to where the abandoned vehicle was parked to see if they worked in the car. Which they did not. SPC Lynch remained with the defendant. The defendant attempted to call his mother on his cell and SPC Lynch overheard him ask if he should run in a hushed tone to whomever he was speaking with. Fearing that the defendant may attempt to run, SPC Lynch called SPC Stollings back to the scene where they proceeded to detain him for entering post without permission and possession of marijuana and placed him in the patrol car. MPI Investigator Garcia arrived on scene. He field tested the substance that was found on the defendant's person and it came back positive for marijuana.

6. At the abandoned vehicle, SGT Monge requested SPC Nussbaumer and SPC Devaney search and secure the vehicle. While searching the vehicle, they found a fake Pennsylvania rear license plate, suspected marijuana in the front passenger seat, .22 caliber rounds in two separate plastic bags in the back seat on the driver side, and the original New York license plate was found on the back floor board of the driver's side. A check on the vehicle's VIN, returned that it had been reported stolen by the Mount Vernon City Police.

7. The defendant was then placed under arrest and taken to the police station for processing. As the officers were escorting the defendant from the police car to the police station, the defendant stated, "I airdropped my location to my boys, and we're going to kill y'all." The defendant continued to make death threats as he was escorted inside. Once inside a more thorough search of the defendant was conducted and another small bag of suspected Marijuana fell was found.

8. The defendant was uncuffed and placed in an interview in an effort to collect paperwork and interview him. Initially the defendant was belligerent and uncooperative but eventually calmed down and he was processed.

9. The defendant was issued one District Court Violation Notice for Entering Military, Naval, or Coast Guard Property (DCVN 75538140/SY10) and one District Court Violation Notice for Simple Possession (DCVN 7553284/SY10) and was released to Highland Falls Police Department.

**WHEREFORE**, deponent prays that the above-named defendant be imprisoned or bailed, as the case may be.



Ryan Bluhm  
Court Liaison

Sworn to before me this  
28th day of February 2020



HONORABLE MARTIN R. GOLDBERG  
United States Magistrate Judge  
Southern District of New York